

REMARKS

Consideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

A. Formal Matter

Applicant respectfully requests that the Examiner send the initialed Form PTO-1449 regarding the IDS of October 25, 2005 to the correspondence address listed below.

B. Status of Claims and Explanation of Amendments

Claims 1-8 were pending. By this paper, claims 1, 7, and 8 are amended and claim 4 is cancelled without prejudice.

Claim 1 is amended to recite, *inter alia*, “An image reproduction apparatus comprising . . . wherein the operating unit comprises a fast-forwarding button or a joystick member, and the predetermined number of images is set depending on a pressure applied by the user on the fast-forwarding button or on the tilt angle of the joystick member.” Similar amendments are made to claims 7 and 8. Support for these amendments is found throughout the application as originally filed, including, for example, on pages 24-25.

Claims 7 and 8 are also amended to correct a spelling error and change “form” to “from”.

No new matter is introduced by entry of these amendments, and their entry is respectfully requested.

In the prior office action, claims 1-8 were found to be novel over the prior art, but these claims were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,933,137 to Anderson (“Anderson”) in view of U.S. Patent No. 6,850,691 to Stam et al. (“Stam”). (Office Action, pp. 4-7).

C. Claims 1-3 and 5-8 Are Patentably Distinct from Anderson in View of Stam

Claims 1-3 and 5-8 are patentably distinct from the combination of Anderson and Stam. A *prima facie* case of obviousness requires a showing that each claim element is found in the cited references. Applicant respectfully submits that such a showing cannot be made here because neither Anderson nor Stam discloses the selection of a high-resolution image to be displayed after a fast speed mode is exited based on the user input pressure on the fast-forwarding button or on the tilt angle of the joystick member on an operating unit. These claims are patentable and should be allowed.

Specifically, Applicant's amended claim 1 recites:

“1. An image reproduction apparatus comprising:

an interface unit connected to a detachable memory configured to store a plurality of image files, each image file having a file structure that includes at least a high-resolution image and a low-resolution image for each image;

a display unit configured to display an image file of the plurality of image files stored in the detachable memory that is connected via said interface unit;

an operating unit operated by a user for forwarding an image displayed on the display unit; and

a control unit configured to cause the display unit to successively display a low-resolution image of the plurality of image files at fast speed while the operating unit is in a predetermined operating state, and to display a high-resolution image corresponding to a prior low-resolution image that is a predetermined number of images prior to the latest low-resolution image displayed on the display unit when the operating unit is released from the predetermined operating state, without displaying the prior low-resolution image or a high-resolution image corresponding to the latest low-resolution image,

wherein the operating unit comprises a fast-forwarding button or a joystick member, and the predetermined number of images is set depending on a pressure applied by the user on the fast-forwarding button or on the tilt angle of the joystick member.”

The Office Action correctly acknowledges that Anderson does not disclose that the control unit displays “a high-resolution image corresponding to a prior low-resolution image without displaying the prior low resolution image.” [Office Action, p. 4]. It is undisputed that Anderson fails to teach, disclose or suggest “a control unit configured ... to display a high-resolution image corresponding to a prior low-resolution image that is a predetermined number of images prior to the latest low-resolution image displayed on the display unit ... wherein ... the predetermined number of images is set depending on a pressure applied by the user on the fast-forwarding button or on the tilt angle of the joystick member” as recited in Applicants’ claim 1.

To address the admitted deficiencies in Anderson, the Office Action relies on Stam. [Office Action, p. 5]. Stam is directed to an automatic playback overshoot correction system that automatically corrects for the difference between a user’s expected stop position in the program material and the actual position where the media was stopped whenever the user terminates fast forwarding or reversing the program material. [Col. 2, lines 2-7]. An “overshoot correction factor” is calculated to determine which program material is to be displayed when Stam’s media controller transitions to the new mode. [Col. 2, lines 10-17]. That “overshoot correction factor” may be calculated as follows:

- by remembering how much the user corrects (i.e., reverses or fast forwards) after he stops the fast forward or reverse mode and applying the user's correction amounts in subsequent operation [Col. 2, lines 18-24];
- by determining the speed of the fast forward or reverse modes and then automatically subtracts or adds, respectively, a time multiple (depending upon the actual speed) to the frame where the transition was detected and positions the user at the correct frame [Col. 2, lines 25-34];
- by testing the user's reaction time and then using those results [Col. 2, lines 35-41]; and
- by allowing the user to manually set the correction factor. [Col. 2, lines 42-46].

Overshoot correction is also discussed at column 20, beginning at line 51. A remote control (1401) allows the user to fast forward or reverse by pressing the fast forward button (1408) or the reverse button (1407). [Col. 20, lines 62-66].

When the user stops the fast forward or reverse mode, a viewer interface (1503) tells a Media Control (1501) to transition to the select mode and passes the start frame information. [Col. 21, lines 4-15]. "This frame start position is the present frame with an overshoot correction factor added or subtracted from it." [Col. 21, lines 15-17].

Stam describes that the correction factor may adapt based on the user:

"The invention adapts to the user by remembering how much the user corrects (i.e., reverses or fast forwards) after he stops the fast forward or reverse mode (in each speed). Correction factors are calculated by taking the user's corrections and setting the factors to the average, median, or any other method desired, for each speed. The system will adjust the correction factors if it observes that the user continues to make corrections." [Col. 21, lines 18-25]

Stam also discloses that a prediction method may be used based on the particular fast forward or reverse mode (1x, 2x, or 3x) that was selected by the user:

"The invention also uses a prediction method to correctly place the user within the program upon transition out of either mode. The prediction method determines if the user is in 1x, 2x, or 3x fast forward or reverse modes and then automatically subtracts or adds, respectively, a time multiple (depending upon the actual speed used for 1x, 2x, or 3x) to the frame where the transition was detected and positions the user at the correct frame. The system fine tunes the time multiple if it sees that the user is consistently correcting after the fast forward or rewind mode stops." [Col. 21, lines 26-35].

Stam discloses that the correction factor may be based on tests of the user's reaction time:

"Another method initially tests the user's reaction time using a test video. It asks the user to press the fast forward 1408 or reverse 1407 button during the test video and then asks the user to position

the video to the place that he expected the system to have been.
This time span is then used whenever the user uses the fast forward
or reverse modes and is adjusted with a multiple for each speed.”
[Col. 21, lines 36-43]

Finally, Stam discloses that the correction factor may be manually set by the user.
[Col. 21, lines 44-48].

As this discussion makes abundantly clear, Stam is silent as to the use of the pressure applied by the user on the fast-forwarding button or on the tilt angle of the joystick member on an operating unit. Thus, Stam fails to teach, disclose or suggest “a control unit configured ... to display a high-resolution image corresponding to a prior low-resolution image that is a predetermined number of images prior to the latest low-resolution image displayed on the display unit ... wherein ... the predetermined number of images is set depending on a pressure applied by the user on the fast-forwarding button or on the tilt angle of the joystick member” as recited in Applicant’s amended claim 1.

Applicants’ claim 1 is respectfully asserted to be patentably distinguished from Anderson in view of Stam. Independent claims 7-8 and dependent claims 2, 3 and 5 are asserted to be patentably distinguished for at least similar reasons.

* * *

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the cited references or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant

respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

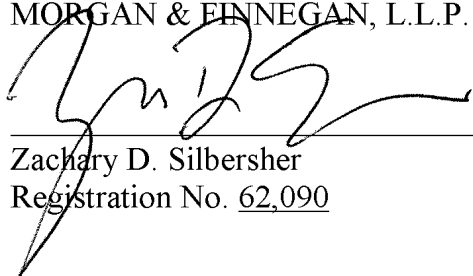
This application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5278.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 20, 2008

By: _____


Zachary D. Silbersher
Registration No. 62,090

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile